

Bohen (S.S.)

Proceeding
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SHALL PHYSICIANS BECOME SALES-AGENTS FOR PATENT MEDICINES?

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[Read April 27, 1892.]



SECTION 4 of Article I of the By-laws of the Philadelphia County Medical Society reads as follows :

"Any physician who shall procure a patent for any instrument of surgery, or who sells or deals in patented remedies or nostrums, or who shall give a certificate in favor of a patented or proprietary remedy or patented instrument, or who shall enter into an agreement with an apothecary to receive pecuniary compensation or patronage for sending his prescriptions to that apothecary, shall be disqualified from becoming or remaining a member."

Article VIII of the By-laws of the Philadelphia County Medical Society, accepts as an integral portion of those by-laws, the Code of Ethics of the American Medical Association.

A section of that code of ethics treats "Of the Duties of Physicians to Each Other and to the Profession at Large." Article I of that section sets forth "Duties for the Support of Professional Character." Section 3 thereof condemns open or underhand advertising as "derogatory to the dignity of the profession." "These," it says, "are the ordinary practices of empirics, and are highly reprehensible in a regular physician." Section 4 continues :

"Equally derogatory to professional character is it for a physician to hold a patent for any surgical instrument or medicine, or to dispense a secret *nostrum*, whether it be the composition or exclusive property of himself or of others. For if such nostrum be of real efficacy, any concealment regarding it is inconsistent with beneficence and professional liberality, and if mystery alone give it value and importance, such craft implies either disgraceful ignorance or fraudulent avarice. It is also reprehensible for physicians to give certificates

attesting the efficacy of patent or secret medicines, or in any way to promote the use of them."

To the clearness and force of this dictum nothing can be added. Its wisdom and its justice are beyond dispute.

It is unfortunately true that much of our therapeutics is as yet empirical. Nevertheless the best endeavors of the true physician are directed toward establishing a rational basis for that which experience has proved to be beneficial; toward obtaining scientific data by which to make progress to a therapeutics not empirical; and toward eliminating from the traditional heritage of the profession such measures as may have had their origin in superstition or mistaken observation. To use preparations of unknown composition; to use mixtures of innumerable substances, some directly opposed to each other; to use even rational and known combinations of which the ingredients and proportions have not been adjusted to the indications and conditions of the individual case—are certainly not scientific methods or practices likely to advance rational therapeutics.

That much of the flavor of the mystery and witchcraft that at one time appertained to the practice of the healing art should have survived among the vulgar, is only a phenomenon to have been expected in the natural course of social evolution. Hence it is that homœopathy, and mind-cure, and patent medicines, have so powerful and so profitable a hold upon the purses of the community, and this not alone among the ignorant and the unlettered. It is a notorious fact that the clergy—presumably educated and intelligent men—are among the most prominent and persistent givers of testimonials to the virtues of advertised nostrums, and medical men and medical journals have long made the religious press a target for satire and invective, because of the hold that the advertising quack has secured upon its columns.

In an address to the Medical Society of the State of Pennsylvania at its last meeting, in calling attention to the alliance between the secular press and the empirics and nostrum-venders, I felt justified in saying that the publishers of magazines and newspapers that allowed themselves to advertise the curative virtues of this or that ready-made preparation or alleged remedial measure, to be applied indiscriminately to all cases—whether of one disease or of many diseases—were accessories to a crime against the unfortunate and the helpless; not alone because of the money filched from the pockets of those deluded by the false promises held out to them; not alone because of suffering unrelieved and lives deprived of their chance for

prolongation ; but in many instances because of the disease and suffering and death directly produced by the poisonous compounds or noxious gases administered to any that chose to purchase. If such criticism was justified—and who is here that will deny its truth?—if such criticism was justified when applied to those who make no pretence of special knowledge or of devotion to a noble art—to those whose object is solely and avowedly commercial—what language remains to characterize the action of medical journals that permit the insertion in their columns of advertisements such as these that I pass around? What severity of reprobation is adequate for the conduct of the *Journal of the American Medical Association*? What words of condemnation are strong enough for the physician who permits his name to be associated with these devices of the devil?

The frankly unscrupulous patent-medicine vender, the maker of "Safe-cures," or "Temperance Bitters," or "Sure Specifics," is at least to be commended for what, to paraphrase a remark of Senator Benjamin Harrison's, may be termed his "bold brutality." His allegations of philanthropic motives are not intended to be believed; they deceive no one—they are the recognized *ad captandum* devices of the clever advertiser—and, in the sale of his wares, there is no pretence of examination, or of diagnosis, or of prescription based on diagnosis.

Far more iniquitous and far more dangerous to society is the wily manufacturer that advertises "to the profession only." Whether he ostentatiously holds secret the composition of his nostrum, or whether with pretended frankness he describes it with an appellative that means nothing, or publishes a formula that cannot be carried out, his object is the same; he seeks to make the physician's the hand whereby he may reach pockets shut from the coarser methods of the Warners, the Pinkhams, and the Jaynes; for, after all, it is the minority that can be deluded by the flaring posters of "Wizard Oil," or the lying testimonials of "Tonic Vermifuge." When a sick man applies to a physician, thinking that thereby he will secure the benefit of special knowledge brought to bear upon the conditions of the individual case, entrusting to the conscience of his medical adviser his health and his life, he is entitled to the skill and the thought for which he pays, and that he deems himself to be receiving. He certainly deserves better treatment than to be handed over to the mercies of "antikamnia," or "quickine," or "gleditschine," or "Freleigh's tablets," or "Listerine," or any other of the unholy crew. If such is to be his fate, let him have the satisfaction of buying the

worthless or poisonous stuff direct, without the sham of a professional consultation, and without paying a purchaser's commission to the medical sales-agent.

At the coming meeting of the State Society I purpose offering the following resolutions, for which I ask the support of this Society :

Resolved, That the Medical Society of the State of Pennsylvania hereby expresses its highest disapprobation of the practice of giving certificates or testimonials to secret preparations alleged to be of medicinal virtue, and calls the attention of the affiliated county societies to the fact that such action on the part of members of the said societies is in derogation of the dignity of the profession, and in violation of the letter and the spirit of the Code of Ethics of the American Medical Association and of this Society.

Resolved, That this Society likewise expresses its disapprobation of the practice of inserting advertisements of secret preparations in the columns of medical journals, such action being an insult to the intelligence of the profession, and a degradation of journals indulging therein to the level of the patent medicine almanac. Especially to be condemned is the action of the *Journal of the American Medical Association* in admitting such advertisements.

Resolved, That copies of these resolutions, duly attested by the permanent Secretary, be sent to all county societies in affiliation with this Society, to the American Medical Association, to State medical societies in affiliation therewith, and to the publishers and editors of American medical journals.

On motion of DR. J. MADISON TAYLOR, the resolutions were adopted as the sense of the Philadelphia County Medical Society, and the delegates to the Medical Society of Pennsylvania were instructed to officially present and support them.

On May 18, 1892, the resolutions were unanimously adopted by the Medical Society of the State of Pennsylvania in session at Harrisburg.

At a meeting of the Philadelphia County Medical Society, held May 25, 1892, 1000 copies of the paper and resolutions were ordered to be printed for distribution at the meeting of the American Medical Association.

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Secretary, Philadelphia County Medical Society.